



UNITED STATES PATENT AND TRADEMARK OFFICE

A
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,719	06/16/2000	Minos N. Garofalakis	Garofalakis-6-1-36-11-10	1456

7590

11/14/2005

Stephen J Weed Esquire
Synnestvedt & Lechner LLP
2600 Aramark tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,719

Applicant(s)

GAROFALAKIS ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE filed 9/19/05 to the application filed on 6/16/00.
2. Claims 1-22 are pending in the case. Claims 1, 7, 14, 16, 18 are independent claims.
3. The declaration filed on 9/19/05 under 37 CFR 1.131 is sufficient to overcome the Papakonstantinou reference and the Moh reference.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Downey (US Pat No. 6,078,884, 6/20/00, filed 3/26/98).

Regarding independent claim 16 and its dependent claim 17, Downey discloses:

- discovering OR patterns among said input sequences which comprises partitioning said input sequences (abstract, col 2, line 66 to col 3, line 3: identifying a *sequence of patterns* corresponding to said input signal, and on the basis of the identified sequence, repeatedly *to partition the input signal* into at least one speech-containing portion and non-speech portion)
- discovering sequence patterns among said input sequences and OR patterns (abstract, col 2, line 66 to col 3, line 3: *identifying a sequence of patterns* corresponding to said input signal, *partitioning the input sequences* shows the discovering OR patterns)

Claims 14-15 are for a computer readable medium of method claims 16-17, and are rejected under the same rationale.

Allowable Subject Matter

6. Claims 1-13 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: a method for determining a document descriptor of input sequences reflecting the structure of a document where factoring said input sequences and general

Art Unit: 2178

sequences generalized from the input sequences develop factored sequences, and selecting the document descriptor from said input sequences, said general sequences, and said factored sequences using minimum descriptor length (MDL) principles, was not disclosed by, or would not have been obvious to an ordinary skill in the art over the prior art of record.

8. Claims 18-22 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: a method for determining a document descriptor of input sequences where selecting the document descriptor from the sequences generalized by discovering sequence patterns among said input sequences and OR patterns, was not disclosed by, or would not have been obvious to an ordinary skill in the art over the prior art of record.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goto et al. (US Pat App Pub No. 2001/0011287 A1).

Chiang et al. (US Pat No. 6,553,072 B1).

Wong et al. (US Pat No. 6,532,556 B1).

Rigoutsos et al. (US Pat No. 5,977,890).

Wang et al. (US Pat No. 6,718,317 B1).

Moulton (US Pat No. 6,810,398 B2).

Floratos et al. (US Pat No. 6,373,971 B1).

Buchrer et al. (US Pat No. 6,515,978 B1).

Kaneko et al. (US Pat No. 4,876,720).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh
Primary Examiner
Art Unit 2178
11/07/05